

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Art Unit : 1654
Examiner : Christina Bradley
Applicant(s) : Ameriga Lazzarini et al.
Serial Number : 10/521,336
Filed : January 20, 2006
Confirmation No. : 9155
Customer No. : 25533
For : ANTIBIOTIC 107891, ITS FACTORS A1 AND A2,
PHARMACEUTICALLY ACCEPTABLE SALTS AND
COMPOSITIONS, AND USE THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response to Correct Errors in Small Entity Status Under 37 CFR 1.28

Dear Sirs:

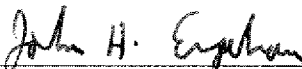
This paper is submitted to correct errors in small entity status for the above-identified patent application. The application was filed properly as a small entity, but Applicants' status has changed to a large entity.

Applicants inadvertently and without deceptive intent erroneously paid the issue fee at the small entity level. Enclosed is a copy of the issue fee transmittal page.

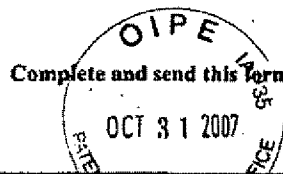
The amount of the deficiency due is \$700.00 and authorization is hereby given to charge this deficiency to our Deposit Account No. 16-1445. Authorization is also given to charge any additional fees or credit any overpayment to Deposit Account No. 16-1445.

Respectfully submitted,

Dated: NOVEMBER 28, 2007



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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

34263 7590 08/14/2007

O'MELVENY & MYERS LLP
 610 NEWPORT CENTER DRIVE
 17TH FLOOR
 NEWPORT BEACH, CA 92660

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Cindy Malocha	(Depositor's name)
<i>Cindy Malocha</i>	(Signature)
10-31-07	(Date)

10/31/2007 FHTEK12 00000096 161445 10521336

01 FC:2501 720.00 DA
 02 FC:1504 300.00 DA

APPL. TYPE	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/321,336	01/20/2006	Ameriga Lazzarini	892,280-499	9155

TITLE OF INVENTION: ANTIBIOTIC 107891, ITS FACTORS A1 AND A2, PHARMACEUTICALLY ACCEPTABLE SALTS AND COMPOSITIONS, AND USE THEREOF

APPL. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	11/14/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
BRADLEY, CHRISTINA	1654	530-317000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

- 1 Arthur R. Crawford
 2 Charles W. Ashbrook
 3 John H. Engelmann

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 1.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Naicons S.C.A.R.L.

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Milan, Italy

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 16-1445 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

John H. Engelmann

Date OCTOBER 31, 2007

Typed or printed name

John H. Engelmann

Registration No. 28,075

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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